REMARKS/ARGUMENTS

The Office Action mailed June 15, 2007 has been carefully considered. Within the Office Action, claims 1-16 have been rejected. Applicant has amended claims 1, 5, 11, 13, 14 and 15 to correct minor typographical errors. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Examiner stated that the applicant's Declaration is defective because "the duty to disclose statement should recite the following statement exactly: "I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulation Section 1.56."""

Applicant traverses the Examiner's requirement for submission of a new oath or declaration. Applicant's Declaration includes the following statement: "I acknowledge the duty to disclose information which is material to patentability of this application in accordance with 37 C.F.R. 1.56." (See lines 15-16 of Applicant's Declaration And Power Of Attorney.)

Presumably, the Examiner is alleging that the Declaration is defective because applicant's Declaration contains the conventional abbreviation "37 C.F.R. 1.56" for the phrase "Title 37, Code of Federal Regulations". However, there is no statutory or regulatory requirement that an applicant's duty to disclose statement use the *exact* wording quoted by the Examiner or that a recitation to the applicable section of the Code of Federal Regulations may not be abbreviated in applicant's statement. As it stands, the applicant's Declaration as originally filed December 4, 2003 does indeed contain a proper duty to disclose statement. Accordingly, applicant respectfully submits that applicant's Declaration filed December 4, 2003, as originally executed, is in full compliance with 37 CFR 1.63 and, therefore, the Examiner's requirement for submission of a new oath or declaration is improper. Applicant respectfully requests that the Examiner's objection to the Declaration and requirement for a new Declaration be officially withdrawn.

Re the 35 U.S.C. § 102(b) Rejection:

The rejection of claims 1-16 under 35 U.S.C. §102(b) as allegedly being anticipated over Haruyo et al. (JP 2000-013900) is respectfully traversed.

Haruyo et al. disclose a sound reproducing arrangement that utilizes virtual three-dimensional positional information with respect to various sound sources and applies three-dimensional sound effect processing to groups of the sound sources using a weighting based on a distance parameter from the sound sources to the listener. More specifically, Haruyo et al. disclose a sound reproducing arrangement in which sound sources are grouped in accordance with the difference between the direction of the listener and the direction of the sound source, and the groups of the sound sources are gathered as a single sound source by applying weights to the respective sound sources in correspondence to the distances between the sound sources and the listener.

In contrast, applicant's independent claims 1, 6, 11 and 16 are directed toward a computer video game method and apparatus that includes, among other things, a sound volume computing process in which sound volume data associated with sound-generating virtual graphic objects is based both on virtual position data of each sound-producing virtual object (i.e., "sound producing position data") and virtual position data of each sound-collecting virtual object (i.e., "microphone data" or "sound collecting position data"), *and* further includes a sound volume component "dividing" process in which sound volume data associated with each virtual graphic object that produces a same sound is effectively resolved into at least two separate virtual directional components.

Applicant respectfully submits that Haruyo et al. fails to teach or disclose at least applicant's claimed feature of resolving the sound component of virtual graphic objects into at least two separate virtual directional components. Haruyo et al. also fails to teach or disclose a sound volume computing process in which sound volume data associated to a graphic objects is based both on virtual position data of a sound-producing virtual object and virtual position data of a "sound-collecting" virtual object, as set forth in at

least applicant's claims 1, 6, 11 and 16. Consequently, the Haruyo et al. patent does not anticipate applicant's invention as set forth in claims 1-17, at least because it does not disclose every element of applicant's invention as set forth in applicant's independent claims 1, 6, 11 and 16. See *Lewmar Marine, Inc. v. Barient, Inc.*, 3 U.S.P.Q. 2d 1766 (Fed. Cir. 1987).

Re the 35 U.S.C. § 102(a) Rejection:

The rejection of claims 1-16 under 35 U.S.C. §102(b) as allegedly being anticipated over Masashi (JP 2002-085831) is respectfully traversed.

Masashi discloses a game machine that provides stereoscopic sound based both on the virtual position of a sound source within a virtual gameplay space and the position of two virtual microphones located in the same virtual gameplay space – the positions of the virtual microphones being selectable using a two-dimensional map of the virtual game space. More specifically, Masashi discloses a sound generating arrangement in which sound volumes corresponding to two virtual microphones are computed on the basis of the distances between the microphones and the sound source, and then sounds corresponding to the two virtual microphones are output as left and right sounds, respectively.

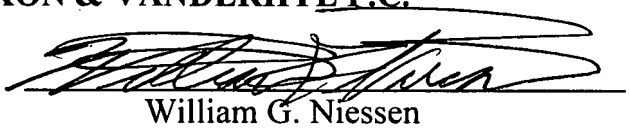
Applicant submits that the stereoscopic sound generating system disclosed by Masashi has nothing to do with applicant's claimed feature of resolving sound volume data into component data, nor does Masashi teach or even remotely suggest the resolving of sound volume data into directional component data. In particular, Masashi fails to teach or disclose resolving the sound component of graphic objects into two separate directional components, as set forth by applicant's independent claims 1, 6, 11 and 16. Moreover, Masashi also fails to teach or disclose a sound volume computing process in which sound volume data associated to a graphic objects is based both on virtual position data of a sound-producing virtual object and virtual position data of a "sound-collecting" virtual object, as set forth in at least applicant's claims 1, 6, 11 and 16. Consequently, the

Masashi patent does not anticipate applicant's claimed invention as set forth in claims 1-17, at least because it does not disclose every element of applicant's invention as set forth in applicant's independent claims 1, 6, 11 and 16. See *Lewmar Marine, Inc. v. Barient, Inc.*, 3 U.S.P.Q. 2d 1766 (Fed. Cir. 1987).

All outstanding issues have been addressed and it is believed that the application is in condition for allowance. Favorable consideration and allowance of this application are respectfully solicited. Should any minor issues remain outstanding, the Examiner should contact the undersigned at the telephone number listed below so they can be resolved expeditiously without need of a further written action.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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